



General Assembly

January Session, 2011

***Raised Bill No. 6588***

LCO No. 4429

\*04429\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING DOMESTIC VIOLENCE AND CHILD TRAUMA.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 46b-38b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (d) It shall be the responsibility of the peace officer at the scene of a  
5 family violence incident to provide immediate assistance to the victim.  
6 Such assistance shall include, but not be limited to: (1) Assisting the  
7 victim to obtain medical treatment if such treatment is required; (2)  
8 notifying the victim of the right to file an affidavit for a warrant for  
9 arrest; (3) informing the victim of services available and providing the  
10 victim with information concerning licensed professional counselors  
11 who are trained in providing trauma-informed care; (4) referring the  
12 victim to the Office of Victim Services; and [(4)] (5) providing  
13 assistance in accordance with the uniform protocols for treating  
14 victims of family violence whose immigration status is questionable  
15 established pursuant to subsection (g) of this section. In cases where  
16 the officer has determined that no cause exists for an arrest, assistance

17 shall include: (A) Assistance as provided in [subdivisions (1) to (4),  
18 inclusive, of] this subsection; and (B) remaining at the scene for a  
19 reasonable time until, in the reasonable judgment of the officer, the  
20 likelihood of further imminent violence has been eliminated. The peace  
21 officer shall report to the Department of Children and Families in  
22 accordance with section 17a-101b. For purposes of this subsection,  
23 "trauma-informed care" means services directed by a thorough  
24 understanding of the neurological, biological, psychological and social  
25 effects of trauma and violence on an individual.

26 Sec. 2. Section 46b-38c of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective July 1, 2011*):

28 (a) There shall be family violence response and intervention units in  
29 the Connecticut judicial system to respond to cases involving family  
30 violence. The units shall be coordinated and governed by formal  
31 agreement between the Chief State's Attorney and the Judicial  
32 Department.

33 (b) The Court Support Services Division, in accordance with the  
34 agreement between the Chief State's Attorney and the Judicial  
35 Department, shall establish within each geographical area of the  
36 Superior Court a local family violence intervention unit to implement  
37 sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g. The  
38 Court Support Services Division shall oversee direct operations of the  
39 local units.

40 (c) Each such local family violence intervention unit shall: (1) Accept  
41 referrals of family violence cases from a judge or prosecutor, (2)  
42 prepare written or oral reports on each case for the court by the next  
43 court date to be presented at any time during the court session on that  
44 date, (3) provide or arrange for services to victims and offenders, (4)  
45 administer contracts to carry out such services, and (5) establish  
46 centralized reporting procedures. All information provided to a family  
47 relations counselor, family relations counselor trainee or family  
48 services supervisor employed by the Judicial Branch in a local family

49 violence intervention unit shall be used solely for the purposes of  
50 preparation of the report and the protective order forms for each case  
51 and recommendation of services and shall otherwise be confidential  
52 and retained in the files of such unit and not be subject to subpoena or  
53 other court process for use in any other proceeding or for any other  
54 purpose, except that a family relations counselor, family relations  
55 counselor trainee or family services supervisor employed by the  
56 Judicial Branch:

57 (A) Shall disclose to the court and the prosecuting authority for  
58 appropriate action information that the victim has indicated that the  
59 defendant holds a permit to carry a pistol or revolver or possesses one  
60 or more firearms;

61 (B) [May] Shall disclose to an employee of the Department of  
62 Children and Families information that indicates that a defendant  
63 poses a danger or threat to a child or a parent of the child;

64 (C) May disclose to another family relations counselor, family  
65 relations counselor trainee or family services supervisor information  
66 pursuant to guidelines adopted by the Chief Court Administrator;

67 (D) May disclose to a bail commissioner employed by the Judicial  
68 Branch information regarding a defendant who is on or is being  
69 considered for pretrial release;

70 (E) May disclose to a law enforcement agency information that  
71 indicates that a defendant poses a danger or threat to another person;

72 (F) May disclose, after disposition of a family violence case, (i) to a  
73 probation officer or a juvenile probation officer, for purposes of  
74 determining service needs and supervision levels, information  
75 regarding a defendant who has been convicted and sentenced to a  
76 period of probation in the family violence case, and (ii) to  
77 organizations under contract with the Judicial Branch to provide  
78 family violence programs and services, for purposes of determining

79 program and service needs, information regarding defendants who are  
80 their clients; and

81 (G) [The family relations counselor, family relations counselor  
82 trainee or family services supervisor shall] Shall disclose such  
83 information as may be necessary to fulfill [such counselor's, trainee's or  
84 supervisor's] a family relations counselor's, a family relations  
85 counselor trainee's or a family services supervisor's duty as a  
86 mandated reporter under section 17a-101a to report suspected child  
87 abuse or neglect.

88 (d) In all cases of family violence, a written or oral report and  
89 recommendation of the local family violence intervention unit shall be  
90 available to a judge at the first court date appearance to be presented at  
91 any time during the court session on that date. A judge of the Superior  
92 Court may consider and impose the following conditions to protect the  
93 parties, including, but not limited to: (1) Issuance of a protective order  
94 pursuant to subsection (e) of this section; (2) prohibition against  
95 subjecting the victim to further violence; (3) referral to a family  
96 violence education program for batterers; and (4) immediate referral  
97 for more extensive case assessment. Such protective order shall be an  
98 order of the court, and the clerk of the court shall cause (A) a copy of  
99 such order to be sent to the victim, and (B) a copy of such order, or the  
100 information contained in such order, to be sent by facsimile or other  
101 means within forty-eight hours of its issuance to the law enforcement  
102 agency for the town in which the victim resides and, if the defendant  
103 resides in a town different from the town in which the victim resides,  
104 to the law enforcement agency for the town in which the defendant  
105 resides. If the victim is employed in a town different from the town in  
106 which the victim resides, the clerk of the court shall, upon the request  
107 of the victim, send, by facsimile or other means, a copy of such order,  
108 or the information contained in such order, to the law enforcement  
109 agency for the town in which the victim is employed within forty-eight  
110 hours of the issuance of such order.

111 (e) A protective order issued under this section may include  
112 provisions necessary to protect the victim from threats, harassment,  
113 injury or intimidation by the defendant, including, but not limited to,  
114 an order enjoining the defendant from (1) imposing any restraint upon  
115 the person or liberty of the victim, (2) threatening, harassing,  
116 assaulting, molesting or sexually assaulting the victim, or (3) entering  
117 the family dwelling or the dwelling of the victim. A protective order  
118 issued under this section may include provisions necessary to protect  
119 any animal owned or kept by the victim including, but not limited to,  
120 an order enjoining the defendant from injuring or threatening to injure  
121 such animal. Such order shall be made a condition of the bail or release  
122 of the defendant and shall contain the following language: "In  
123 accordance with section 53a-223 of the Connecticut general statutes,  
124 any violation of this order constitutes criminal violation of a protective  
125 order which is punishable by a term of imprisonment of not more than  
126 five years, a fine of not more than five thousand dollars, or both.  
127 Additionally, in accordance with section 53a-107 of the Connecticut  
128 general statutes, entering or remaining in a building or any other  
129 premises in violation of this order constitutes criminal trespass in the  
130 first degree which is punishable by a term of imprisonment of not  
131 more than one year, a fine of not more than two thousand dollars, or  
132 both. Violation of this order also violates a condition of your bail or  
133 release, and may result in raising the amount of bail or revoking  
134 release." Every order of the court made in accordance with this section  
135 after notice and hearing shall also contain the following language:  
136 "This order is accorded full faith and credit pursuant to 18 USC Section  
137 2265, as amended from time to time." The information contained in  
138 and concerning the issuance of any protective order issued under this  
139 section shall be entered in the registry of protective orders pursuant to  
140 section 51-5c.

141 (f) The Judicial Branch may establish, within available  
142 appropriations, a pilot program in three judicial districts for the  
143 purpose of using electronic monitoring in accordance with this  
144 subsection. Such pilot program shall be conducted in at least one

145 judicial district that contains an urban area, as defined in section 4b-13,  
146 and at least one judicial district that does not contain such an urban  
147 area. Pursuant to such pilot program, the court may order that any  
148 person appearing in such judicial district who is charged with the  
149 violation of a restraining order or a protective order, and who has been  
150 determined to be a high-risk offender by the family violence  
151 intervention unit, be subject to electronic monitoring designed to warn  
152 law enforcement agencies, a state-wide information collection center  
153 and the victim when the person is within a specified distance of the  
154 victim, if the court finds that such electronic monitoring is necessary to  
155 protect the victim, provided the cost of such electronic monitoring is  
156 paid by the person who is subject to such electronic monitoring,  
157 subject to guidelines established by the Chief Court Administrator. If  
158 the court orders that such person be subject to electronic monitoring,  
159 the clerk of the court shall send, by facsimile or other means, a copy of  
160 the order, or the information contained in any such order, to the law  
161 enforcement agency or agencies for the town in which the person  
162 resides. The Judicial Branch shall cease operation of any pilot program  
163 established under this subsection not later than March 31, 2011, unless  
164 resources are available to continue operation of the pilot program.

165 (g) In cases referred to the local family violence intervention unit, it  
166 shall be the function of the unit to (1) identify victim service needs and,  
167 by contract with victim service providers, make available appropriate  
168 services that include, but are not limited to, the provision of trauma-  
169 informed care by a licensed professional counselor, and (2) identify  
170 appropriate offender services and where possible, by contract, provide  
171 treatment programs for offenders. For purposes of this subsection,  
172 "trauma-informed care" means services directed by a thorough  
173 understanding of the neurological, biological, psychological and social  
174 effects of trauma and violence on an individual.

175 (h) There shall be a pretrial family violence education program for  
176 persons who are charged with family violence crimes. At a minimum,  
177 such program shall inform participants of the basic elements of family

178 violence law and applicable penalties. The court may, in its discretion,  
179 invoke such program on motion of the defendant when it finds: (1)  
180 That the defendant has not previously been convicted of a family  
181 violence crime which occurred on or after October 1, 1986; (2) the  
182 defendant has not had a previous case assigned to the family violence  
183 education program; (3) the defendant has not previously invoked or  
184 accepted accelerated rehabilitation under section 54-56e for a family  
185 violence crime which occurred on or after October 1, 1986; and (4) that  
186 the defendant is not charged with a class A, class B or class C felony, or  
187 an unclassified felony carrying a term of imprisonment of more than  
188 ten years, or unless good cause is shown, a class D felony or an  
189 unclassified offense carrying a term of imprisonment of more than five  
190 years. Participation by any person in the accelerated pretrial  
191 rehabilitation program under section 54-56e prior to October 1, 1986,  
192 shall not prohibit eligibility of such person for the pretrial family  
193 violence education program under this section. The court may require  
194 that the defendant answer such questions under oath, in open court or  
195 before any person designated by the clerk and duly authorized to  
196 administer oaths, under the penalties of perjury as will assist the court  
197 in making these findings. The court, on such motion, may refer the  
198 defendant to the family violence intervention unit, and may continue  
199 the defendant's case pending the submission of the report of the unit to  
200 the court. The court shall also give notice to the victim or victims that  
201 the defendant has requested assignment to the family violence  
202 education program, and, where possible, give the victim or victims  
203 opportunity to be heard. Any defendant who accepts placement in the  
204 family violence education program shall agree to the tolling of any  
205 statute of limitations with respect to the crime or crimes with which  
206 the defendant is charged, and to a waiver of the defendant's right to a  
207 speedy trial. Any such defendant shall appear in court and shall be  
208 released to the custody of the family violence intervention unit for  
209 such period, not exceeding two years, and under such conditions as  
210 the court shall order. If the defendant refuses to accept, or, having  
211 accepted, violates such conditions, the defendant's case shall be

212 brought to trial. If the defendant satisfactorily completes the family  
213 violence education program and complies with the conditions imposed  
214 for the period set by the court, the defendant may apply for dismissal  
215 of the charges against the defendant and the court, on finding  
216 satisfactory compliance, shall dismiss such charges. Upon dismissal all  
217 records of such charges shall be erased pursuant to section 54-142a.

218 (i) A fee of two hundred dollars shall be paid to the court by any  
219 person who enters the family violence education program, except that  
220 no person shall be excluded from such program for inability to pay the  
221 fee, provided (1) the person files with the court an affidavit of  
222 indigency or inability to pay, and (2) the court enters a finding thereof.  
223 All such fees shall be credited to the General Fund.

224 (j) The Judicial Department shall establish an ongoing training  
225 program for judges, Court Support Services Division personnel and  
226 clerks to inform them about the policies and procedures of sections  
227 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g, including, but  
228 not limited to, the function of the family violence intervention units  
229 and the use of restraining and protective orders.

230 Sec. 3. Section 10-222d of the general statutes is repealed and the  
231 following is substituted in lieu thereof (*Effective July 1, 2011*):

232 Each local and regional board of education shall develop and  
233 implement a policy to address the existence of bullying in its schools.  
234 Such policy shall: (1) Enable students to anonymously report acts of  
235 bullying to teachers and school administrators and require students to  
236 be notified annually of the process by which they may make such  
237 reports, (2) enable the parents or guardians of students to file written  
238 reports of suspected bullying, (3) require teachers and other school  
239 staff who witness acts of bullying or receive student reports of bullying  
240 to notify school administrators in writing, (4) require school  
241 administrators to investigate any written reports made under this  
242 section and to review any anonymous reports, except that no  
243 disciplinary action shall be taken solely on the basis of an anonymous



244 report, (5) include a prevention and intervention strategy, as defined  
245 by section 10-222g, for school staff to deal with bullying, (6) provide  
246 for the inclusion of language in student codes of conduct concerning  
247 bullying, (7) require each school to notify the parents or guardians of  
248 students who commit any verified acts of bullying and the parents or  
249 guardians of students against whom such acts were directed, and  
250 invite them to attend at least one meeting, (8) require each school to  
251 maintain a list of the number of verified acts of bullying in such school  
252 and make such list available for public inspection, and, within  
253 available appropriations, report such number to the Department of  
254 Education, annually and in such manner as prescribed by the  
255 Commissioner of Education, (9) direct the development of case-by-case  
256 interventions for addressing repeated incidents of bullying against a  
257 single individual or recurrently perpetrated bullying incidents by the  
258 same individual that may include both counseling and discipline, and  
259 (10) identify the appropriate school personnel, which may include, but  
260 shall not be limited to, pupil services personnel, responsible for taking  
261 a bullying report and investigating the complaint. The notification  
262 required pursuant to subdivision (7) of this section shall include a  
263 description of the response of school staff to such acts and any  
264 consequences that may result from the commission of further acts of  
265 bullying. For purposes of this section, "bullying" means any overt acts  
266 by a student or a group of students directed against another student  
267 with the intent to ridicule, harass, humiliate or intimidate the other  
268 student while on school grounds, at a school-sponsored activity or on a  
269 school bus, which acts are committed more than once against any  
270 student during the school year and includes acts of dating violence  
271 between students. Such policies may include provisions addressing  
272 bullying outside of the school setting, including acts of dating violence  
273 between students, if it has a direct and negative impact on a student's  
274 academic performance or safety in school. Not later than February 1,  
275 2009, each local and regional board of education shall submit the  
276 policy developed pursuant to this section to the Department of  
277 Education. Not later than July 1, 2009, each local or regional board of

278 education shall ensure that the policy is included in the school district's  
279 publication of the rules, procedures and standards of conduct for  
280 schools and in all student handbooks.

281 Sec. 4. Subsection (a) of section 17a-3 of the general statutes is  
282 repealed and the following is substituted in lieu thereof (*Effective July*  
283 *1, 2011*):

284 (a) The department shall plan, create, develop, operate or arrange  
285 for, administer and evaluate a comprehensive and integrated  
286 state-wide program of services, including preventive services, for  
287 children and youths whose behavior does not conform to the law or to  
288 acceptable community standards, or who are mentally ill, including  
289 deaf and hearing impaired children and youths who are mentally ill,  
290 emotionally disturbed, substance abusers, delinquent, abused,  
291 neglected or uncared for, including all children and youths who are or  
292 may be committed to it by any court, and all children and youths  
293 voluntarily admitted to, or remaining voluntarily under the  
294 supervision of, the commissioner for services of any kind. Services  
295 shall not be denied to any such child or youth solely because of other  
296 complicating or multiple disabilities. The department shall work in  
297 cooperation with other child-serving agencies and organizations to  
298 provide or arrange for preventive programs, including, but not limited  
299 to, teenage pregnancy and youth suicide prevention, for children and  
300 youths and their families. The program shall provide services and  
301 placements that are clinically indicated and appropriate to the needs of  
302 the child or youth. In furtherance of this purpose, the department  
303 shall: (1) Maintain the Connecticut Juvenile Training School and other  
304 appropriate facilities exclusively for delinquents; (2) develop a  
305 comprehensive program for prevention of problems of children and  
306 youths and provide a flexible, innovative and effective program for the  
307 placement, care and treatment of children and youths committed by  
308 any court to the department, transferred to the department by other  
309 departments, or voluntarily admitted to the department; (3) provide  
310 appropriate services to families of children and youths as needed to

311 achieve the purposes of sections 17a-1 to 17a-26, inclusive, 17a-28 to  
312 17a-49, inclusive, and 17a-51; (4) establish incentive paid work  
313 programs for children and youths under the care of the department  
314 and the rates to be paid such children and youths for work done in  
315 such programs and may provide allowances to children and youths in  
316 the custody of the department; (5) be responsible to collect, interpret  
317 and publish statistics relating to children and youths within the  
318 department; (6) conduct studies of any program, service or facility  
319 developed, operated, contracted for or supported by the department in  
320 order to evaluate its effectiveness; (7) establish staff development and  
321 other training and educational programs designed to improve the  
322 quality of departmental services and programs, provided no social  
323 worker trainee shall be assigned a case load prior to completing  
324 training that shall include, but not be limited to, training in the  
325 prevention, identification and effects of family violence, and may  
326 establish educational or training programs for children, youths,  
327 parents or other interested persons on any matter related to the  
328 promotion of the well-being of children, or the prevention of mental  
329 illness, emotional disturbance, delinquency and other disabilities in  
330 children and youths; (8) develop and implement aftercare and  
331 follow-up services appropriate to the needs of any child or youth  
332 under the care of the department; (9) establish a case audit unit to  
333 monitor each area office's compliance with regulations and  
334 procedures; (10) develop and maintain a database listing available  
335 community service programs funded by the department; (11) provide  
336 outreach and assistance to persons caring for children whose parents  
337 are unable to do so by informing such persons of programs and  
338 benefits for which they may be eligible; and (12) collect data sufficient  
339 to identify the housing needs of children served by the department  
340 and share such data with the Department of Economic and  
341 Community Development.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2011</i>	46b-38b(d)
Sec. 2	<i>July 1, 2011</i>	46b-38c
Sec. 3	<i>July 1, 2011</i>	10-222d
Sec. 4	<i>July 1, 2011</i>	17a-3(a)

***Statement of Purpose:***

To implement recommendations of the Speaker's Task Force on Domestic Violence concerning human services.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*